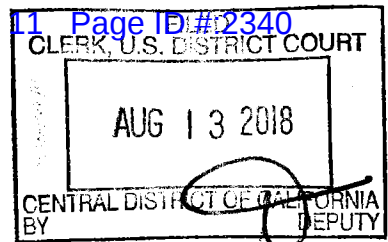


CV 18-06742

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



NOTICE OF DOCUMENT DISCREPANCIES

To: ☐ U.S. District Judge / ☒ U.S. Magistrate Judge

From: C. ORELLANA

, Deputy Clerk

Date Received: 08/06/2018

Case No.: LA18MJ00722

Case Title: Any and all funds held in Republic Bank of Arizona Accounts

Document Entitled: JOHN BRUNST'S JOINDER IN JAMES LARKIN'S MOTION TO VACATE OR MODIFY SEIZURE WARRANTS

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- | | |
|--|---|
| <input type="checkbox"/> Local Rule 5-4.1 | Documents must be filed electronically |
| <input type="checkbox"/> Local Rule 6-1 | Written notice of motion lacking or timeliness of notice incorrect |
| <input type="checkbox"/> Local Rule 7-19.1 | Notice to other parties of ex parte application lacking |
| <input type="checkbox"/> Local Rule 7.1-1 | No Certification of Interested Parties and/or no copies |
| <input type="checkbox"/> Local Rule 11-3.1 | Document not legible |
| <input type="checkbox"/> Local Rule 11-3.8 | Lacking name, address, phone, facsimile numbers, and e-mail address |
| <input type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge |
| <input type="checkbox"/> Local Rule 11-6 | Memorandum/brief exceeds 25 pages |
| <input type="checkbox"/> Local Rule 11-8 | Memorandum/brief exceeding 10 pages shall contain table of contents |
| <input type="checkbox"/> Local Rule 15-1 | Proposed amended pleading not under separate cover |
| <input type="checkbox"/> Local Rule 16-7 | Pretrial conference order not signed by all counsel |
| <input type="checkbox"/> Local Rule 19-1 | Complaint/Petition includes more than 10 Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 56-1 | Statement of uncontroverted facts and/or proposed judgment lacking |
| <input type="checkbox"/> Local Rule 56-2 | Statement of genuine disputes of material fact lacking |
| <input type="checkbox"/> Local Rule 83-2.5 | No letters to the judge |
| <input type="checkbox"/> Fed. R. Civ. P. 5 | No proof of service attached to document(s) |
| <input checked="" type="checkbox"/> Other: | Filer is not a party to the case. |

Please refer to the Court's website at www.cacd.uscourts.gov for Local Rules, General Orders, and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have **not** been filed with the Court.

AUG 13 2018

Date

U.S. District Judge / U.S. Magistrate Judge

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 - ORIGINAL-OFFICE

COPY 2 - JUDGE

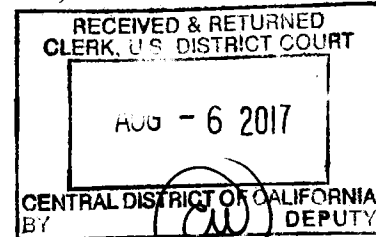
COPY 3 - SIGNED & RETURNED TO FILER

COPY 4 - FILER RECEIPT

ORIGINAL

1 Gary S. Lincenberg – State Bar No. 123058
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 2 Ariel A. Neuman – State Bar No. 241594
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 7

8 Attorneys for John Brunst



9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

11
 12 In the Matter of the Seizure of:

13 Any and all funds held in Republic
 Bank of Arizona Account(s) xxxx1889,
 14 xxxx2592, xxxx1938, xxxx2912, and
 xxxx2500.
 15

CASE NO. 18-MJ-00722-PJW

[Related to Case Nos. 18-MJ-00712,
 18-MJ-00713, 18-MJ-00715,
 18-MJ-00716, 18-MJ-00718,
 18-MJ-00719, 18-MJ-00720,
 18-MJ-00721, 18-MJ-00723,
 18-MJ-00724, 18-MJ-00751,
 18-MJ-00797, 18-MJ-00798,
 18-MJ-00996, 18-MJ-00997,
 18-MJ-01427, and 18-MJ-01863]

18 JOHN BRUNST'S JOINDER IN
 JAMES LARKIN'S MOTION TO
 19 VACATE OR MODIFY SEIZURE
 WARRANTS
 20

21 *[Filed concurrently with [Proposed]
 Order]*

22 Date: August 29, 2018
 23 Time: 1:30 P.M.
 Crtrm.: 790

24 Assigned to Hon. Patrick J. Walsh
 25
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1 TO THE COURT AND ALL COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT John Brunst, by and through his counsel,
3 will and hereby does join in James Larkin's Motion to Vacate or Modify Seizure
4 Warrants (the "Motion") filed in the above-captioned action, and adopts all of the
5 positions set forth in the Motion as if fully set forth herein. Counsel understands
6 that Mr. Brunst's cases, together with several other related cases, have been
7 consolidated by Judge Walsh given the numerous overlapping and related issues.
8 The seizures in each of these cases were issued out of this Court, stem from the
9 same underlying allegations, and relate to the same set of individuals.

10 Mr. Brunst holds an interest in the assets that were seized in Related Case
11 Nos. 2:18-MJ-00715, 2:18-MJ-00798, and 2:18-MJ-01863. *See* Exh. A (Declaration
12 of John Brunst).¹ Mr. Brunst therefore joins in the Motion as to the assets seized in
13 Related Case Nos. 2:18-MJ-00715, 2:18-MJ-00798, and 2:18-MJ-01863,
14 specifically:

- 15 • Compass Bank Account No. xx3825;
- 16 • Compass Bank Account No. xx3873;
- 17 • Compass Bank Account No. xx4862;
- 18 • Alliance Bernstein Account No. xx6878;
- 19 • Alliance Bernstein Account No. xx4954;
- 20 • Alliance Bernstein Account No. xx0582;
- 21 • Alliance Bernstein Account No. xx7892;
- 22 • Alliance Bernstein Account No. xx7889;
- 23 • Alliance Bernstein Account No. xx7888; and
- 24 • Alliance Bernstein Account No. xx6485.

25 Mr. Brunst joins in the Motion because he is "so similarly situated [to Mr.

26
27
28 ¹ Mr. Brunst's Declaration, which was also filed in support of the Motion,
identifies the seized bank and brokerage accounts in which he holds an interest.

1 Larkin] that filing an independent motion would be redundant.” *Tatung Co., Ltd. v.*
 2 *Shu Tze Hsu*, 217 F. Supp. 3d 1138, 1151 (C.D. Cal. 2016). The purported basis for
 3 the seizures of Mr. Larkin’s accounts are identical to the purported basis for the
 4 seizures of Mr. Brunst’s accounts, namely that the funds held in their accounts
 5 derived from revenues from Backpage.com advertisements that allegedly solicited
 6 prostitution. The Motion raises issues that are directly relevant to and overlap with
 7 the seizures of Mr. Brunst’s assets. All of the arguments made in the Motion
 8 therefore apply with equal force to the seizure warrants issued against the assets in
 9 which Mr. Brunst holds an interest.

10
 11 DATED: August 6, 2018

Respectfully submitted,

12 Gary S. Lincenberg
 13 Ariel A. Neuman
 14 Gopi K. Panchapakesan
 15 Bird, Marella, Boxer, Wolpert, Nessim,
 16 Drooks, Lincenberg & Rhow, P.C.

17
 18 By: /s/ Gary S. Lincenberg
 19 Gary S. Lincenberg
 20 Attorneys for John Brunst
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EXHIBIT A

DECLARATION OF JOHN BRUNST

I, John Brunst, declare as follows:

1. I am an individual over the age of eighteen. I submit this declaration based upon my own personal knowledge and, if called as a witness, could and would competently testify thereto under oath.

2. I submit this declaration in support of the *Notice of Motion and Motion to Vacate or Modify Seizure Warrants* (the "Motion") with which this declaration is being concurrently filed.

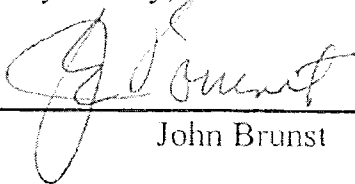
3. I am a legal and/or beneficial owner of, or hold a direct or indirect interest in, the following assets and their contents (collectively, the "Subject Assets"):

- a. BBVA Compass Bank account number ending in xx3825;
- b. Alliance Bernstein account number ending in xx6878;
- c. Alliance Bernstein account number ending in xx4954;
- d. Alliance Bernstein account number ending in xx7892;
- e. Alliance Bernstein account number ending in xx7889;
- f. Alliance Bernstein account number ending in xx7888;
- g. Alliance Bernstein account number ending in xx6485;
- h. Alliance Bernstein account number ending in xx0582;
- i. BBVA Compass Bank account number ending in xx3873; and
- j. BBVA Compass Bank account number ending in xx4862.

4. I did not give permission or otherwise consent to the government's seizure of the Subject Assets.

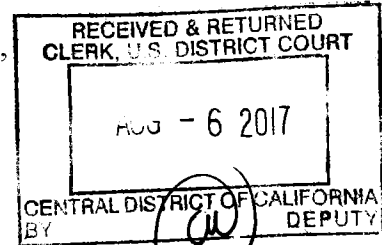
5. I join in and consent to the request in the Motion to consolidate the related cases identified in the caption of the Motion and in the separately filed Notice of Related Cases.

1 I swear under penalty of perjury of the laws of the United States of America that the
2 foregoing is true and correct. Executed this 30 day of July, 2018 in Phoenix, Arizona.

3
4 
5 _____
6 John Brunst

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435617-1

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 aneuman@birdmarella.com
 3 Gopi K. Panchapakesan – State Bar No. 279586
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 Facsimile: (310) 201-2110



7 Attorneys for Defendant John Brunst
 8

9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 11

12 **In the Matter of the Seizure of:**

13 Any and all funds held in Republic
 Bank of Arizona Account(s) xxxx1889,
 14 xxxx2592, xxxx1938, xxxx2912, and
 15 xxxx2500.

CASE NO. 18-MJ-00722-PJW

[Related to Case Nos. 18-MJ-00712,
 18-MJ-00713, 18-MJ-00715,
 18-MJ-00716, 18-MJ-00718,
 18-MJ-00719, 18-MJ-00720,
 18-MJ-00721, 18-MJ-00723,
 18-MJ-00724, 18-MJ-00751,
 18-MJ-00797, 18-MJ-00798,
 18-MJ-00996, 18-MJ-00997,
 18-MJ-01427, and 18-MJ-1863]

18 **[PROPOSED] ORDER GRANTING**
JOHN BRUNST'S JOINDER IN
JAMES LARKIN'S MOTION TO
VACATE OR MODIFY SEIZURE
WARRANTS

21 *[Filed concurrently with Joinder in*
Larkin's Motion to Vacate]

23 Date: August 29, 2018
 Time: 1:30 P.M.
 Crtrm.: 790

25 Assigned to Hon. Patrick J. Walsh

26 3513318.1

FILED

1 This matter came before the Court on August 29, 2018, for hearing on John
2 Brunst's Joinder in James Larkin's Motion to Vacate or Modify Seizure Warrants
3 (the "Motion"). Having considering the briefs and documents submitted in support
4 of and in opposition to the Motion, and having considered the parties' arguments
5 presented at the hearing, it is hereby ordered that:

6 1. The Motion is GRANTED in its entirety; and
7 2. The seizure warrants issued in Related Case Nos. 2:18-MJ-00715,
8 2:18-MJ-00798, and 2:18-MJ-01863 are hereby vacated, and the Government shall
9 release all of the funds held in the following accounts:

- 10 • Compass Bank Account No. xx3825;
- 11 • Compass Bank Account No. xx3873;
- 12 • Compass Bank Account No. xx4862;
- 13 • Alliance Bernstein Account No. xx6878;
- 14 • Alliance Bernstein Account No. xx4954;
- 15 • Alliance Bernstein Account No. xx0582;
- 16 • Alliance Bernstein Account No. xx7892;
- 17 • Alliance Bernstein Account No. xx7889;
- 18 • Alliance Bernstein Account No. xx7888; and
- 19 • Alliance Bernstein Account No. xx6485.

20
21 **IT IS SO ORDERED.**

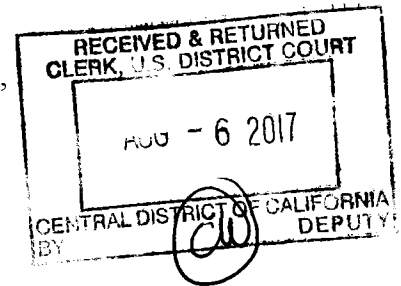
22
23 DATED:

24
25
26

Hon. Patrick J. Walsh
United States District Court Judge
27
28

ORIGINAL

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 2 Ariel A. Neuman – State Bar No. 241594
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7 Attorneys for John Brunst
 8

9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
 11

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CASE NO. 18-MJ-00722-PJW

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 18-MJ-00797, 18-MJ-00798,
 18-MJ-00996, 18-MJ-00997,
 18-MJ-01427, and 18-MJ-01863]

18 **PROOF OF SERVICE**

19 Date: August 29, 2018
 20 Time: 1:30 P.M.
 Ctrm.: 790

21 Assigned to Hon. Patrick J. Walsh
 22
 23
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1875 Century Park East, 23rd Floor, Los Angeles, CA 90067-2561.

On August 6, 2018, I served the following document(s) described as **NOTICE OF MANUAL FILING; JOHN BRUNST'S JOINDER IN JAMES LARKIN'S MOTION TO VACATE OR MODIFY SEIZURE WARRANTS; [PROPOSED] ORDER; and PROOF OF SERVICE** on the interested parties in this action as follows:

John K. Kucera
Assistant U.S. Attorney
U.S. Attorney's Office
Asset Forfeiture Section
312 North Spring Street
Los Angeles, CA 90012
Email: John.Kucera@usdoj.gov

Thomas H. Bienert, Jr.
Kenneth M. Miller
Bienert Miller & Katzman, PLC
903 Calle Amanecer, Suite 350
San Clemente, CA 92673
Email: tbienert@bmkattorneys.com
Email: kmiller@bmkattorneys.com
Counsel for James Larkin

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address kminutelli@birdmarella.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 6, 2018, at Los Angeles, California.



Karen M. Minutelli